Community Archiving of Native American Music

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NEH HCRR White Paper

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Prologue: Talking about Native Music

"The music that you have does not belong to you. It belongs to our people, the Indian people. This is our music, and you are caretakers, and we thank you for taking care of our music, because in many circumstances, we would not have what we have today if we did not have the music that you have saved for us. As a Native person I advise you that this music you have is powerful, and it should not be public domain. It should not go back into circulation where anybody has access to it because it is that powerful." (Dennis Zotigh, NEH funded workshop, Native American Music as Intellectual and Cultural Property, Sam Noble Museum, Nov. 9, 2017)

"It's a double-edged sword...You already pointed out all the negatives about it [digital media/circulation]. The positives about it, there's gonna be a generation coming up behind us that's going to seek song knowledge, and it's gotta be available for them…On one hand, we do want to exclude, but at the same time we want to include those that are coming that we're not going to see. Because if we shut the door on them, it's not good. We gotta stick around as long as we can. 2017, here we are. We're less than one percent of the population of the United States, us American Indians. Like you said, this is a long discussion we're going to have to sit down and talk about." (Audience member comment)

1. Overview[1]

The purpose of this NEH Foundations grant was to carry out consultation with Native American tribal nations in Oklahoma to ascertain the desirability and feasibility of digitizing and safeguarding Native American music recordings, especially those located in Native family collections and other non-public spaces. Many of these recordings come from historically private, sacred repertoires whose circulation has been strictly controlled based on Indigenous conceptions of cultural property. The culturally specific understandings of Native American music require culturally specific modes of safeguarding it in the mainstream open-access digital environment.

Formerly Indian Territory, Oklahoma is the seat of 39 federally recognized tribes, which makes consultation possible (in terms of geographic proximity) and of paramount importance in serving the constituencies of our institution. Given music's connection with so many important facets of American Indian culture—including heritage language retention, religious practices, social cohesion, and education—this project is urgent. This is particularly so as elders pass on, taking their knowledge with them, and as many existing recordings originally made in outmoded formats steadily deteriorate.

As part of this exploratory project, we initially planned to develop a set of protocols for institutions aiming to facilitate community-based archiving of Native American music. In this

[1] We would like to thank Amanda Cobb-Greetham, Lina Ortega, Raina Heaton, all our project advisors, and all tribal leaders and community members who attended our workshops and provided other forms of input and support.

context, protocols are guidelines that provide a starting point for institutions to manage collections following community cultural priorities, and to develop or strengthen relationships with community stakeholders. We came to realize that best practices are often forged locally and in response to the contingencies of particular collections, stakeholders, and moments in time. Nevertheless, our experiences may be useful to others as a frame of reference and a resource for negotiating other "local contexts."[2] For more general protocols, we recommend the First Archivist Circle's "Protocols for Native American Archival Materials,"[3] developed in 2006, as well as the "Protocols" developed by the Aboriginal and Torres Strait Islander Library, Information and Resource Network (ATSILIRN) in 1995.[4] Future projects (not only ours but those of others) may further explore the possibility of specifically music-focused protocols, with the understanding that music is always bound up with other cultural practices and forms of knowledge.

The concrete results of this grant include the following:

- a selective survey of community holdings of Native American music in Oklahoma
- an increased understanding of community desires for digitization and safeguarding of music
- a workshop on issues of Indigenous intellectual and cultural property
- a workshop on Mukurtu CMS (Content Management System), designed to incorporate Indigenous cultural protocols to regulate the dissemination of digitized collections
- a pilot initiative to use Mukurtu in collaborative projects at the Sam Noble Museum
- plans for an Indigenous media archive and distribution hub, which will be the focus of future grant proposals
- insights into strengthening institutional frameworks for engaging with Native American communities and managing Native collections at the University of Oklahoma.

As we detail below in Section 4.a., our project led us to view preservation and access as distinct realms that can be facilitated by entirely different institutions. Universities like our own may be best positioned to provide support for preservation, while access (especially for sensitive materials) can be left in the hands of tribal institutions and the social networks affiliated with them. In Section 4.c., we call for broader, culturally informed approaches to managing Native American materials held at the University of Oklahoma. Effective and ethical institutional policies depend not only on collaboration between the university and Native communities, but also on collaboration, dialogue and respectful listening across units within the university. While Native cultural specialists have specific knowledge and skills for moving forward with this work, true institutional shifts depend on the understanding and support of a wide range of actors. We

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[2] As we discuss below, "Local Contexts" is a project on managing Indigenous intellectual and cultural property, co-directed by Jane Anderson and Kimberly Christen (http://localcontexts.org/). See Kimberly Christen, "Tribal Archives, Traditional Knowledge, and Local Contexts: Why the 's' Matters," *Journal of Western Archives* 6, no. 1 (2015):1-19.

[3] The Protocols for Native American Archival Materials can be found at https://www2.nau.edu/libnap-p/protocols.html

[4] The Aboriginal and Torres Strait Islander Library, Information and Resource Network (ATSILIRN) "Protocols" can be found at http://atsilirn.aiatsis.gov.au/protocols.php.

hope to increase understanding of these complex issues and to help develop new interfaces between the university and the multiple publics, with diverse cultural agendas, that it serves.

2. Project History

This project was based at the Sam Noble Museum of the University of Oklahoma, where the project director Daniel Swan has served as Curator of Ethnology for 12 years and is currently Interim Director of the museum. While the museum dates to 1899, the systematic collection of audio recordings is relatively recent, beginning in 2002 with the establishment of a Native American Language Archive (NAL). From the beginning, NAL was developed as a repository and resource for language materials in the interest of supporting tribal language revitalization programs, in conjunction with other museum programming.[5] The archive also accepted music recordings that included language content. The majority of NAL collections were donated by Native individuals, programs and societies. The NAL catalogued non-native linguists' fieldwork in collaboration with tribal members, who have had the opportunity to provide input on how it is represented in the collections. NAL public programs include the Oklahoma Native American Youth Language Fair, in which thousands of children, teachers and family members fill the museum in the first week of April to share performances and media creations using their Native languages.[6] NAL has also supported Breath of Life workshops, which facilitate tribal members' use of linguistic tools and archival documentation to learn and teach their heritage languages, especially those whose fluent native speakers have passed away.

The museum has an established record of collaboration and shared authority in the development of exhibitions and associated programs with Native Nations in Oklahoma and the surrounding region. An early series of traveling exhibitions produced by the museum (1980-1985) focused on the revitalization of traditional arts among the Plains Apache and Wichita Nations. A Native American Advisory Board was central in the development of permanent exhibitions for the "Hall of Oklahoma Peoples" in the new museum building (1995-2000).

Over the past decade the museum has employed collaborative methodologies of knowledge production to develop a range of interpretive programs anchored in the community heritage agendas of Oklahoma Tribal Nations.[7] Projects completed through this methodology include the video program "Painting a New Battle Tipi" (2008-09) developed under the direction of the Kiowa Black Leggings Warrior Society; the exhibition "A Gathering of Traditions: A Centennial Celebration of Dr. Charles Marious Barbeau in Oklahoma" (2012) developed under the

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[5] See Mary Linn, "Living Archives: A Community Based Language Archive Model," *Language Documentation and Description*, 12(2014):53-67.

[6] The two-day event this past spring drew almost 3000 attendees.

[7] See Daniel C. Swan, "A Museum Anthropologist in Academic Practice," *Practicing Anthropology* 37, no. 3(2015):65; Daniel C. Swan and Michael P. Jordan, "Contingent Collaborations: Patterns of Reciprocity in Museum(s) - Community Relationships," *Journal of Folklore Research* 52, no. 1(2015):39-84; Michael P. Jordan and Daniel C. Swan, "Painting a New Battle Tipi: Public Art, Intellectual Property and Heritage Construction in a Native American Community," *Plains Anthropologist* 56(2011):191-209.

leadership of the Wyandotte Nation and The Seneca Cayuga Tribes of Oklahoma; and most recently, the traveling exhibition "Osage Wedding Clothes: A Giving Tradition" (2017-19) organized in partnership with the Wahzhazhe Cultural Center and the Osage Nation Museum.

In this environment of close collaboration between the Sam Noble Museum and Native communities, the museum has often received requests to digitize deteriorating recordings of music on outdated formats such as reel-to-reel and cassette tapes. The NAL archive does not have the budget or personnel to fulfill requests to digitize music that is not entering the collections. For music that does enter the collection, NAL provides different levels of access in the depositor's agreement, but currently encourages open-access collections.[8] Some music recordings are of sacred and ceremonial genres that have historically been restricted in Native communities according to status and position in tribal religions where violating music protocols can have dangerous repercussions. About 2% of the NAL collections (not only audio but all collections) is totally restricted (level 4), with access controlled by consultation with the depositor or someone else listed in the depositor agreement. Examples of restricted access that can be vetted by the NAL include membership in the Black Leggings Warrior Society (access based on membership card) and season of year (though this can be open to interpretation due to climate change).

Music has been central to movements of cultural revitalization across Indian Country, but different generations, families, and tribes can vary in their approach to the circulation and use of traditional music. Though we began our project exploring questions in relation to the NAL Archive, our work ultimately led us to broader explorations of how to approach collections of traditional Native music recordings through consultation with Native communities.

3. Summary of Activities

The NEH grant enabled us to explore these issues by means of a survey and two community workshops with Native cultural representatives from across the state. An outgrowth of the workshops is a pilot initiative to create a Mukurtu CMS site for the collection catalog of the Sam Noble Museum Ethnology Department, which is composed of material culture items including historic and contemporary traditional arts.

3.a. Survey of Native American Music Collections and Archival Potential

The number of survey responses (about 40) were limited in spite of vigorous efforts to recruit respondents. Nevertheless, our informal conversations with a broader range of stakeholders confirmed the survey results, consistently demonstrating interest in digitizing and safeguarding Native music collections. The results of the survey in graph form are appended to the end of this NEH white paper. 38% of the respondents had recordings they could not listen to. Outdated formats included records, cassette tapes, and reel-to-reel tapes; prior experience and consultations suggest that most are from the 1960s. About 88% of the respondents indicated they had some recordings they wanted to digitize, and that they would consider depositing some

[8] The NAL Collections Access Policy is at https://samnoblemuseum.ou.edu/collections-and-research/native-american-languages/native-american-languages-access-policy/

of their recordings in an archive (with the understanding that they could set parameters for use and circulation). About 94% of respondents would consider depositing some digital copies of their recordings in an archive. About 57% were open to public access for listening, while the rest gave varying preferences to restrict listening access to students, scholars, only members of a specific tribe, only Native Americans, or only family members. Less than 7% expressed a preference for the most restricted option of only family members. With the question of providing copies of recordings to patrons of an archive, the responses were somewhat more conservative; 53% of survey respondents accepted publicly available copies. This response also signals the need for cautious examination of online formats for digital access, because formats designed for listening can lead to unauthorized copying by technologically savvy users. The survey demonstrated interest in both a centralized archive and in dispersed local archives, especially tribal facilities in addition to public museums, archives and universities.

3.b. Workshop 1 – "Native American Music as Intellectual and Cultural Property: Legal Issues and Practical Approaches"

Conversations with about 20 tribal cultural professionals led us to plan two workshops at the Sam Noble Museum, using NEH funds to provide travel support to tribal representatives from across the state. This plan built on organizational experience from previous workshops hosted by the museum for tribal communities that were well attended and received positive evaluations. On November 9, 2017, our first workshop featured presentations and dialogue with five specialists on Indigenous intellectual and cultural property who were invited to travel to Oklahoma for the workshop, in addition to two specialists in the OU College of Law. The event was attended by 48 individuals representing 19 tribal nations in Oklahoma, including head singers, tribal program administrators, traditional practitioners and archive and museum professionals. The program followed cultural protocols by asking elders to offer blessings in the morning and prior to lunch, and allowed extensive time for open discussion.

The workshop began with a presentation by Dennis Zotigh (Kiowa/San Juan Pueblo/Santee Dakota), a museum cultural specialist at the National Museum of the American Indian in Washington, D.C. Zotigh spoke on the place of music in Native American communities and the importance of perpetuating traditional musical genres and cultural protocols. He commented on the need to safeguard these cultural resources from misappropriation and commercial exploitation. The next panelist was Trevor Reed (Hopi), a music and law specialist who is an Associate Professor of Law at the Sandra Day O'Conner College of Law, Arizona State University. Reed presented an introduction to Western music copyright and its failure to protect Indigenous intellectual property (IP). He contrasted Western IP terms with Hopi concepts of music creation and property, and discussed the intense cultural negotiations that have emerged from the Hopi Music Repatriation Project. The final presenter of the morning was Rebecca Tsosie (Yaqui), Regents Professor of Law at the University of Arizona James E. Rogers College of Law, Indigenous Peoples Law and Policy Program. Tsosie spoke of the relationship between sovereignty and cultural property, promoting the potential for nation-to-nation relationships similar to those commonly defined through governance and commerce, and the resources of international law as well as federal and tribal law. She emphasized the intertwined nature of tangible and intangible property within cultural and legal contexts. She also suggested that Native Nations use tribal statutes to protect traditional knowledge, which could forge a path for

Federal Indian Law, as the Native American Graves Protection and Repatriation Act (NAGPRA) did. After lunch, OU law professors Taiawagi Helton and Lindsay Robertson provided additional frameworks and narratives for navigating the relations between Indigenous sovereignty, law and culture.

Jane Anderson, Associate Professor of Anthropology and Museum Studies at New York University, led the afternoon session. She presented a brief overview of Mukurtu (http://mukurtu.org/), a CMS platform that enables the use of traditional protocols to regulate access to archived information. The remainder of the session explored "Local Contexts: Traditional Knowledge Labels," a licensing and labeling system designed for Traditional Knowledge and Indigenous intellectual property (http://localcontexts.org/). Tribes and archives can employ the system to identify originary ownership (regardless of copyright status) and declare use preferences and restrictions. These labels can bring more nuanced Indigenous knowledge into the archive and help redress, to some extent, the errors and violations of the past. For example, Anderson explained that "the attribution label…is a mechanism to bring community names, as well as individual and family names, back into the public record where they have been missing." The session closed with comments on practical application from James Francis, Director of the Cultural and Historic Preservation Department and Tribal Historian at the Penobscot Nation who joined the workshop via Skype. This session provided practical strategies for asserting Native cultural priorities even when conventional legal rights are limited, and for educating others about the meanings and appropriate use of Native cultural materials. The Library of Congress is currently launching the use of the Traditional Knowledge labels in their digital catalog.

3.c. Workshop 2 – "Introduction to Mukurtu CMS"

The survey and the first workshop confirmed that Native Oklahoma communities are interested in safeguarding music in ways that maintain cultural protocols. We wanted our second workshop to demonstrate the possibilities of incorporating cultural protocols into a digital platform, and to provide hands-on experience for tribal representatives to take back with them to their communities. The Mukurtu CMS (Content Management System) was developed specifically for Indigenous peoples to share and contextualize cultural materials in controlled ways that follow their cultural protocols, enabling different levels of access based on community membership and other cultural categories of status. Mukurtu is a free, open-source platform based on the coding language Drupal and can be customized by programmers to suit particular needs.

Because of the hands-on nature of the Mukurtu team's workshop, we limited attendance to around 30. The day-and-a-half long workshop was delivered to 31 attendees representing 12 tribal nations as well as other institutions such as the American Indian Cultural Center and Museum (scheduled to open in 2021 outside Oklahoma City). The workshop imparted new frameworks, knowledge and skills to tribal representatives and cultural practitioners, and drew in new participants from our university (especially librarians and library administrators) who are in a position to help expand and re-frame existing paradigms of stewardship for Native cultural materials. Kimberly Christen and three members of her technical and outreach team from Washington State University (WSU) led presentations and hands-on activities. The workshop

also benefited from presentations by three tribal cultural professionals (discussed below) who are part of Mukurtu's Tribal Stewardship Cohort Program. Their presentations and subsequent conversations enabled our attendees to get a practical sense of how Mukurtu could be used in Native communities to advance a range of cultural agendas.

Christen's opening presentation provided insight into the process of forging collaborative projects between a university (or other institution) and Native communities. A Memorandum of Understanding serves as an official agreement between tribes and institutions that researchers and curators can use to guide their work following a collaborative curation model. This agreement is fleshed out gradually through careful communication within the framework of government-to-government relations between a sovereign Native nation and a public state university. Tribal administrators choose representatives to serve on an advisory board or committee to interface with the archive project and to determine cultural protocols to regulate access to materials. Part of this work entails defining what should and should not be digitized. In the Plateau Peoples Portal administered by WSU, no Native cultural materials are displayed without tribal approval, regardless of copyright status, which generally protects the collectors' or publishers' interests more than the creators or performers of Indigenous arts. Many Indigenous cultural materials were acquired by collectors, archives and museums through highly unequal and often violent colonial relations. Documentation of such acquisitions was haphazard with many instances of incorrect descriptions and attributions, often a total void of contextual information, and misrepresentations through a colonial gaze. The short, sterile descriptions that constitute "metadata" for archives and museums often contain misinformation and obscure the actual significance of items. Christen suggested that the item level of description was most important for recovering knowledge and cultural narratives. For example, describing an item such as a woven basket may include names of creators, tribal affiliation, and stories about its origins and use.

The three cultural representatives who spoke about their tribes' use of Mukurtu were extremely meaningful for our participants; we cannot do justice to the depth of their presentations but highlight a few points here. Valerie Switzler of the Confederated Tribes of Warm Springs (Washington state) told about the current location of her tribal archive in a building that had been an oppressive government boarding school, a site of trauma for many who passed through its halls, but now a site for reclaiming history and culture. In working with collections held by the Smithsonian as well as institutions in Washington state, she has had the opportunity to correct and augment records and to contextualize physical objects through stories told by elders, often in their Native language, about their use and meaning. Ashley Sexton of the Catawba Archives (South Carolina) talked about navigating community members' reluctance to put cultural materials online, and their decision to avoid sensitive items, even with the regulated access levels that Mukurtu provides. Nevertheless, launching the Mukurtu site has supported a renewed interest in culture and language, and has enabled the archive to increase its collections as families have donated items such as photographs after viewing the Catawba archive site. Finally, Amelia Harris of the Huna Heritage Foundation (Alaska) emphasized the importance of using—not just preserving—archival materials, and to follow community needs and desires in developing meaningful projects. Songs and stories tend to have strict protocols in her community, and like Ashley Sexton, she started to build digitization projects around objects that were less strict, like photographs and old high school yearbooks. Locally meaningful themes for the Huna Mukurtu

project have included fishing, veterans, people and places, community events, history, art and artists.

Christen framed Mukurtu as part of a "slow archive movement," with the potential to provide some redress for the rapid, reckless collecting that filled public and private institutions with Indigenous cultural property. Collaborative curation enriches collections because it expands the knowledge that becomes part of an object's metadata – identifying information that provides a framework for interpretation and searchability by heritage communities and others. The Plateau Peoples Portal has a Memorandum of Understanding with the Smithsonian according to which they sync their records annually, thereby merging new contextual information gathered locally/regionally with the Smithsonian's metadata for items in their collections. This is the process captured by the term "roundtrip" in Mukurtu parlance—the multiple journeys of objects and information between heritage communities and institutional collections. The method is to bend technology to be more adaptive to cultural needs, rather than bending culture to fit within pre-existing technology structures. Christen emphasized that the creation of Mukurtu sites is not an end in itself, but rather a means of enacting community engagement, dialogue and collaboration.

3.d. Mukurtu Pilot Initiative: Ethnology Department Collection Catalog, Sam Noble Museum

One of the insights from our first workshop was the impossibility of separating tangible and intangible culture in Indigenous contexts. As a result of this and other insights gained through our NEH sponsored activities, the Ethnology Department at the Sam Noble Museum began to create a Mukurtu CMS site for its collection catalog, encompassing primarily material culture items. Photographs and metadata of the ethnology collection will then be more accessible for consultation and commentary by the communities affiliated with the items. The new Mukurtu site positions the museum to work together with Native American communities to implement the Local Contexts system of Traditional Knowledge labels and licenses. This work will better incorporate community standards and protocols in the classification and identification of objects in the collection. The implementation of Mukurtu CMS as an adjunct to the collection catalog will facilitate the development of culturally sensitive systems to archive and circulate Indigenous intellectual and cultural property. We are hopeful the museum will host a series of advanced workshops on the Mukurtu and Local Contexts applications in 2019-20.

3.e. Related Institutional Activities

The time period of our grant intersected with several other music-related activities we want to highlight even though they were not funded by our grant, because they contributed to the vibrant currency of talk about Native music at OU. "Rhythms" was the theme of the 2018 Native Crossroads Film Festival, directed by our co-PI Joshua Nelson and hosted by the Sam Noble Museum under the oversight of our PI Daniel Swan. Music and sound were at the center of panel and audience discussions as well as presentations of short and full-length films representing a broad array of genres. The festival (attended by approximately 1500 people) included an adapted, original score by Chickasaw composer Jerrod Tate to accompany the 1931 silent film "A Day in Santa Fe," performed by stellar musicians ranging from traditional to

classical to avant-garde. This recently rediscovered film merits a prominent place in the early history of Indigenous media, as it was co-directed by Cherokee writer Lynn Riggs and provides a critical framing of intercultural relations and the commodification of Native cultural property under colonial conditions. The feature film at the end of the festival was Catherine Bainbridge and Alfonso Maiorana's documentary "Rumble: The Indians Who Rocked the World," with an energetic cross-generational audience that filled all the seats and floor space of the museum auditorium. The discussion afterward offered an impromptu, poignant dialogue between the filmmakers and local audience members who were close relatives of Jesse Ed Davis (Kiowa and Comanche), the acclaimed guitarist with Taj Mahal's band who also performed and recorded with the most famous rockers of his time, including several former Beatles, Eric Clapton, and Rod Stewart. The film "Rumble" and the dynamic conversations it inspires are largely about recovering Native Americans' contributions to American popular music (and all the other popular musics it has influenced)—linked to broader movements of attribution in Indigenous intellectual and cultural property.

Our NEH grant has enabled us to develop a closer dialogue with Lina Ortega (Sac and Fox), Head of Operations of the Western History Collections at OU, who served on the internal advisory board for our project. In spring 2018 Ortega acquired funding through a "Recordings at Risk" grant of the Council on Library and Information Resources (CLIR) to digitize recordings of the groundbreaking radio program "Indians for Indians Hour," broadcast at OU from 1942 to 1976. The program included many live musical performances introduced by the radio host Don Whistler, who was a Chief of the Sac and Fox tribe. In addition to local and national news of the grant, Josh Garrett-Davis' recent article about the program is helping to increase knowledge about, and interest in, this important contribution to Indigenous media and the value of archival collections more broadly.[9] Ortega is linking the digitization project to various community-oriented events and information gathering which will help bring these old radio programs home to the descendants of their creators. Ortega has been a key supporter and resource for our NEH Collections project, and we look forward to supporting her work on the CLIR digitization project as well as future collaborations.

4. Discussion of Key Issues

Our project aimed to interrogate the concept of the archive, and this entails questioning assumptions about the value of historical materials and their appropriate treatment. Over the past five centuries, archives and museums acquired Indigenous cultural materials on the basis of non-Indigenous perceptions of intrinsic aesthetic value, as well as perceptions of historical and scientific data assumed to be located within Indigenous bodies and Indigenous-created works.[10] Beginning in the 19th century, preservation became the rallying cry for institutional projects responding to the rapid transformations of modernity, industrialization and the presumed

[9] See Josh Garrett-Davis, "The Intertribal Drum of Radio: The *Indians for Indians Hour* and Native American Media, 1941-1951," *Western Historical Quarterly* 49, no. 3 (Autumn 2018):249-273.

[10] The legacy of these paradigms has endured in the continuing curation of Indigenous art in decontextualized Anglo-Western aesthetic terms, and in the proliferation of genetic research using Indigenous DNA.

impending extinction of Indigenous peoples and cultures. Preservation of Native American cultural artifacts often went hand-in-hand with the destruction of Native communities and rights. Frances Densmore, a pioneering music collector who recorded Native American music under the auspices of the Smithsonian's Bureau of Ethnology, actively lobbied the U.S. government for the Dawes Allotment Act in order to dismantle collective tribal landholding.[11] Like many Anglo-Americans (and some Native Americans) of her generation, she considered traditional culture to be holding back Native Americans from modern progress, and she advocated assimilation to mainstream white culture as the only solution. We cannot get rid of a term like "preservation" in the world of archives and museums, but we want to avoid assuming that preservation is inherently a desirable end, apart from the uses and meanings that people attribute to cultural materials. A song, in its cultural context, may have a natural lifespan that was never intended to be forever. The following subsections sketch other key issues of our work.

4.a. Separating Digitization, Preservation and Access

In the early formulations of our project, we conceived of digitization, preservation, and access as bound together in archival stewardship. We increasingly view preservation and access as distinct realms that can be facilitated by entirely different institutions. Universities like our own may be best positioned to provide support for preservation, while access (especially for sensitive materials) can be left in the hands of tribal institutions and the social networks affiliated with them. When particular kinds of music are considered by Native communities and institutions as appropriate for public access, that music could be incorporated into on-line digital platforms, administered through the university library system, tribal libraries, or collaborations between them.

What might this look like in practice? Let's say you have a box of reel-to-reel recordings that no one in your family can listen to. You could bring it to the university or a partner institution for digitization. The institution would keep high-quality master copies on secure hard drives and give you back the original reels as well as digital use copies. There is an argument to be made for institutional preservation and safeguarding of original recordings, although this would require a lot more institutional infrastructure. Our survey suggested that some families prefer to keep the originals in their possession, but NAL depositors have more often requested institutional safeguarding of originals. Cloud storage is also a possibility, although our potential depositors tend to be less comfortable with third-party hosting. After digitization, if the recordings were part of a private family collection, the family would then decide how to share the digital copies, if at all. If the recordings were digitized through a tribal partnership, the tribe would oversee distribution and access through their cultural departments or other administrative entities. Based on other digital return projects, we have observed that digital sharing of cultural materials proceeds quickly through tribal, family and social networks.[12]

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[11] See John Troutman, *Indian Blues: American Indians and the Politics of Music, 1879-1934* (Norman: University of Oklahoma Press, 2009).

[12] A recent example is documented in Kiley Molinari, *"*"Hey, There's Wi-Fi at Camp!' Remediating Materiality, Language, and Community Collaboration within the Apsáalooke Language App,*"* (Ph.D. Diss., University of Oklahoma, 2018).

On-line access always entails the possibility of music getting into the hands, ears and remixes of people for whom it was not intended. Even in the most sophisticated on-line platform with strictly regulated access, files can be hacked and stolen. For this reason, some owners of sensitive recordings may decide not to digitize them, and some may decide to digitize, but not to store master copies at a centralized institution. The notion of saving *everything* for posterity is not realistic and not necessarily what tradition-holders want to do. The violence and trauma of colonial conditions have led to a great deal of Indigenous cultural loss as well as adaptations and transformations. Decisions about what to preserve and what to share should be left up to Native communities, families and tribal institutions. Of course, not all of these stakeholders will agree all the time. This is why Memoranda of Understanding and working through existing tribal governing structures can be useful foundations for developing collaborative projects. Tribal administrators come and go, along with shifting priorities. Cultural protocols for access and use are also not fixed for all time, but rather the product of ongoing discussions about cultural transmission. Music archiving may be implemented most effectively through specific projects carried out in collaboration with particular tribes, rather than trying to take a comprehensive, universal approach, which would be impractical as well as misguided. Attempts to be comprehensive and omniscient, we should recall, were a central part of colonial archiving and museum practices.

From the perspective of a public institution like our own, exploring Mukurtu helps archive and museum professionals to think and talk more about the ethical management of Indigenous cultural property. Mukurtu was designed for *sharing* cultural materials following Indigenous cultural protocols; it can accommodate lengthy audio and audiovisual recordings, but only in compressed format. It is not an archive for *storing* or *preserving* large files, so master copies must be stored elsewhere. From an institutional perspective, familiarity with this CMS has the potential to stimulate more community-oriented frameworks for making cultural materials available on-line. In some cases, such as the Sam Noble ethnology collection catalog, Mukurtu can provide an interface for deeper engagement with community knowledge and protocols.

4.b. Legal Frameworks

Beginning in 1990, the Native American Graves Protection and Repatriation Act (NAGPRA) created new kinds of relationships between museums and tribes in the United States (not without challenges, especially that of inadequate funding). NAGPRA also transformed the proprietary rights of institutions holding Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony.[13] Legal scholar Trevor Reed has argued that some Native recordings could constitute cultural patrimony or sacred objects and could be reclaimed under NAGPRA. He outlines other potential avenues for tribes to claim rights under current law and considers possible revisions to copyright law in the future.[14]

The 2007 United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is the most far-reaching attempt to establish Indigenous rights related to cultural and intellectual property. It

[13] NAGPRA, it should be noted, applies only to U.S. institutions with federal funding.
[14] See Trevor Reed, "Who Owns Our Ancestors' Voices? Tribal Claims to Pre-1972 Sound Recordings," *Columbia Journal of Law and the Arts* 40, no. 2(2016):275-310.

is worthwhile reproducing the text of UNDRIP in Article 11, with italics added to emphasize its applicability to sound recordings and other cultural materials that may be held by museums and archives:

1. Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes *the right to maintain, protect and develop the past, present and future manifestations of their cultures*, such as archaeological and historical sites, artefacts, designs, *ceremonies*, technologies and *visual and performing arts* and literature.
2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their *cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs*.

Many historic recordings of Native music clearly fit into this framework. Article 31 connects traditional cultural expressions to intellectual property rights:

> Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and *visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions*.

Though non-binding, the Declaration is an important resource for Indigenous peoples taking action against governments, corporations, or educational institutions to reclaim their cultural and intellectual property.

In our first workshop, Rebecca Tsosie laid out various legal paths for Native communities to reclaim their cultural materials. To non-tribal institutions holding those materials, we ask: why wait for a lawsuit or other legal action? The Ts'msyen scholar Robin Gray has powerfully argued that institutions holding "captured forms of in/tangible cultural heritage" should follow Indigenous customary law, rather than dominant intellectual property law, in determining the future of Indigenous materials.[15] As Gray's work shows, this requires deep relationships of collaboration, co-leadership by Indigenous communities and their governments, as well as the transfer of rights, rather than simply making copies to hand out in the name of supposed "repatriation."

Archive and library professionals outside of Native networks may be less familiar with these shifts at the national and international level than museum professionals. It is important to understand, then, the significance of Dennis Zotigh's statement in the Prologue of this paper:

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[15] See Robin Gray, "Ts'msyen Revolution: The Poetics and Politics of Reclaiming," (Ph.D. Diss., University of Massachusetts, Amherst, 2015), 123.

"The music [or other cultural materials] that you have does not belong to you." When tribal communities are approached with genuine respect for their rights and desires, they may very well support agreements of shared stewardship, the maintenance of some cultural property within university collections, and the access of researchers and the general public to some materials. Library professionals engaging with communities should also prepare themselves for the possibility that some materials will be taken out of collections and out of circulation.

Increasingly, practitioners are using the term "digital return" rather than repatriation in instances where archival or museum materials are being circulated in digital form to their communities of origin.[16] Neither digital return nor repatriation can erase the violations of the past. These efforts may not remove all prior circulating copies from publications and mediated platforms. However, the transfer of rights in repatriation can give tribes clearer legal power to control the use and circulation of their cultural property. When tribes consent for institutions to keep originals or copies, Traditional Knowledge labels can direct people toward the right ways of approaching cultural materials.[17]

4.c. Collaboration

In developing collaborative projects, it is important for institutional actors to meet and get to know communities on their own terrain. Because Daniel Swan and Joshua Nelson already had deep relationships in Oklahoma's Indian Country, and because our community partners expressed a preference to travel to OU, we were able to carry out our project goals effectively through centralized workshops and through informal conversations that overlapped with other projects and networks. For institutional professionals who do not already have a history of close collaboration with communities, we recommend traveling to speak with community leaders and members in repeated visits and meetings. We plan to travel more widely across the state in future projects to engage with particular communities and especially elders who may be less mobile.

Materials that remain within library collections will benefit immeasurably from collaborative engagement that can enhance the descriptive metadata, correcting errors and revealing the relationships and meanings of objects within community history and memory. These processes benefit everyone, including communities interested in cultural revitalization as well as scholars who can base new research on culturally informed metadata rather than colonial misrepresentation. During our first workshop, Jane Anderson articulated this topic very well:

> "Can copyright actually be rehabilitated from its colonial legacies of dispossession itself? Vast amounts of copyrighted material as well as public domain material is being digitized and circulated….Issues of ownership as well as the incomplete and significant mistakes in the metadata also continue as that material moves into its digital life, right? So if a photograph never had the original name associated with the person who is in that

[16] See Joshua Bell, Kimberly Christen and Mark Turin, "Introduction: After the Return," *Museum Anthropology Review* 7, no. 1-2 (2013): 1-21.

[17] As discussed in Section 3.b., Traditional Knowledge (TK) labels are part of the Local Contexts project co-directed by Jane Anderson and Kim Christen (http://localcontexts.org/).

> photograph, when that material gets digitized, that mistake or that omission in the metadata travels into the digital as well. Those colonial failures travel through the way in which that material becomes digitized and the new life that it has. There is still a failure to account responsibly and appropriately for the names and the responsibilities that go with that material as it travels." (Jane Anderson, "Local Contexts" presentation, Nov. 9, 2017, Sam Noble Museum)

The ethical management of Indigenous cultural property requires respectful relations and careful listening not only between institutions and communities, but also within institutions themselves. Interventions can be challenging in a large institution that includes atomized units as well as top-down hierarchies. Our project was launched within the Sam Noble Museum because that is the professional base of our project director Daniel Swan. The museum has a strong history of collaborating with tribes, and it has some infrastructure that is relatively autonomous from the university. However, institutional development requires collaboration at many levels and across many spaces. The project has enabled us to begin conversations with OU Libraries and other administrators across campus who may help to incorporate more Indigenous cultural knowledge and participation into future platforms for sharing archival materials. We are fortunate to have Native faculty and staff and other allies at OU who are committed to collaboration with tribal communities. The new Native Nations Center at OU will expand and support these kinds of networks and projects. Institutional transformations will also depend on university actors—administrators, archivists, and others—who are not specialists in Native culture or communities.

On one hand, Native American cultural materials are unique because of the special legal relationship between the U.S. government and federally recognized tribes, and because these materials represent the peoples who were here first and have continued to survive in spite of attempts to eradicate them. On the other hand, Native cultural materials should not be viewed as an administrative problem or exception to be farmed out to cultural specialists, but rather an integral part of broader policies and approaches that can lead to creative new interfaces between the university and various publics.

5. Recommendations for Future Work

The work of our Foundations grant has confirmed that Native communities of Oklahoma are interested in digitizing and safeguarding their music and other cultural materials. Some tribal organizations are already engaged in these processes; others could benefit from institutional collaboration with OU. We intend to develop an Indigenous media project that would facilitate these collaborations as well as promote best practices for archival safeguarding of Native cultural materials at OU.

5.a. Expansion to Other Media

Rather than create an infrastructure only for music recordings, we intend for our next project to support the culturally appropriate management of various Indigenous media forms at OU, including film and photographs. The project will be based in the Native Nations Center. This relatively new center supports community oriented research, outreach and collaboration, and was established under the leadership of Amanda Cobb-Greetham (Chickasaw), the director of the

Department of Native American Studies, through the generous support of the Chickasaw Nation. Broadening the scope beyond music makes sense in terms of the intertwining of documentary and media/technology histories, and it will also help support the ongoing activities of our university collaborators. Our co-PI Joshua Nelson is in the midst of launching an Indigenous Media Institute which includes some overlap with our outreach goals, oriented toward contemporary film production and online hosting of Indigenous-made films not connected with conventional distribution outlets. Lina Ortega, the Head of Operations of the Western History Collections, oversees extensive holdings of photographs that have great value for Oklahoma Native communities. A project with a broader scope will provide more support for her work in sifting through these collections and building bridges to the communities they are affiliated with.

5.b. Music Digitization and Safeguarding

Music will remain a central part of the project, as we begin to build an infrastructure for two activities: 1) digitizing and safeguarding music recordings held at OU, and 2) facilitating tribal initiatives to digitize and safeguard recordings they want to keep in their own institutions and families. We intend to seek out options for safeguarding master copies that are not accessible to the public. While this requires some re-thinking on the part of public humanities advocates, it is in keeping with many Native and non-Native systems for managing knowledge. At our own university, we house a large archive of historic institutional papers under our main administrative building which is not open to the public. Most government agencies and public institutions keep certain materials confidential. While some music should have restricted access, we think that tribes and individuals will give permission for a substantial amount of music to be accessible to the public, especially when we broaden the scope to recent recordings and film projects that were created for public consumption. A user-friendly platform for access to approved materials will facilitate tribal cultural revitalization and increased interest in institutional safeguarding.

5.c. Correction and Augmentation of Metadata

The correction and augmentation of metadata will be another component of our work, especially for historic photographs of Native peoples in Oklahoma. These improvements can be carried out through on-line platforms as well as community visits. This part of the process contributes toward reclaiming cultural materials, some of which may eventually be taken out of institutional settings, while others can be recontextualized and linked to actual cultural histories and communities.

We need to continue to work with other institutional activities on their digitization projects and metadata, especially because Native and non-Native histories are often intertwined in Oklahoma. Part of the work of ethical management is in culturally appropriate contextualization of materials, not just taking materials out of circulation. In this area, we may be able to find common ground with public humanities advocates. We may follow the example of the Australian organization ATSILIRN in publishing a thesaurus for librarians and archivists to correct the outdated terminology in metadata for peoples, communities and cultures; the

thesaurus provides culturally appropriate terms, which enable users to find old materials using current terms.[18]

5.d. Moving across Institutions, Communities and Generations

We will focus our outreach by partnering with particular Native nations that have a desire to work with us, implementing an organizational structure to make decisions, and identifying cultural materials in need of safeguarding, which are either held by our university or held in their own communities. We will seek partnerships that represent both kinds of needs in order to develop procedures for ongoing work. We will use the existing institutional structures of the Native Nations Center and the Indigenous Media Institute at OU to develop collaborative interfaces and resources for tribal institutions to carry out their own safeguarding work.

Engagement with Native youth has been a central part of the media and language work carried out at our university, and we intend to continue this trajectory. Projects connecting K-12 youth to cultural materials held at OU can be integrated into the annual Native American Youth Language Fair, the Native Crossroads Film Festival, and a youth video production summer camp which is in the planning stages. We will also work with the American Indian Student Association, Native American Studies Department, and other frameworks on campus to incorporate OU Native students through internships, practicums, and community events. Many of our Native students have deep cultural knowledge as well as social networks with elders and other knowledge holders in their communities. Other Native students are in the process of rediscovering their heritage as they open new pathways in their education and advocacy.

There is a lot of work to be done in creating this kind of community interface and institutional infrastructure. We look forward to making more connections and developing new structures for the ethical management of Native cultural materials at the University of Oklahoma.

[18] See Number 5, Description and Classification, under the ATSILIRN Protocols, http://atsilirn.aiatsis.gov.au/protocols.php